

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency After Notice

Rule making related to electricians and electrical contractors and electrical inspections

The Electrical Examining Board hereby amends Chapter 502, “Electrician and Electrical Contractor Licensing Program—Licensing Requirements, Procedures, and Fees,” Chapter 551, “Electrical Inspection Program—Definitions,” and Chapter 552, “Electrical Inspection Program—Permits and Inspections,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 103.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 103.1A and 103.22(15).

Purpose and Summary

These amendments remove the provisions in Chapters 502, 551, and 552 which authorized the inspections of electrical installations on farm buildings and conform the rules to 2017 Iowa Acts, Senate File 357. These amendments also address the objection to the rules filed by Governor Branstad on January 23, 2012. In summary, a license is not required for a person performing an electrical installation on a farm or farm building if the farm building is not regularly open to the public as a retail place of business and if the electrical installation is done by a person who has a legal or equitable interest in the farm, who is a relative or employee of that person, or who is an operator or manager. Inspections and permits are also not required for these installations. Residences are excluded, meaning that a licensed person must do the work and that a permit and inspection are required, unless the work is done by the owner on the owner’s principal residence.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 17, 2018, as **ARC 3580C**. A public hearing was held on February 6, 2018, at 10 a.m. in the First Floor Public Conference Room 125, Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa. There were 219 written public comments received from farmers and members of the Iowa Farm Bureau. Those comments unanimously supported the adoption of the amendments to rescind provisions for electrical inspections for farm buildings as provided for in the rules. The Iowa Farm Bureau provided written comments, and the representative of the Iowa Farm Bureau also provided oral comments in support of the amendments. No comments were received which opposed the amendments or which requested changes. Many of the comments urged the adoption of the final rules as rapidly as possible, so that the legislation can be implemented. No changes from the Notice have been made.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Board finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on March 26, 2018, because the rule removes a restriction on the public, specifically, it rescinds provisions for electrical inspections of farm buildings, and the rescission of these provisions confers a benefit on farmers.

Adoption of Rule Making

This rule making was adopted by the Board on March 20, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Pursuant to the provisions of rule 661—10.222(17A), the Board does not have authority to waive requirements established by statute. Pursuant to the provisions of rule 661—501.5(103), the Board has the authority to grant waivers from the rules.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making became effective on March 26, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 502.1(3) as follows:

502.1(3) A person who does not have a current valid license shall not perform work as an electrician or as an unclassified person. A person shall not perform work which requires licensing and which is not specifically authorized under the license issued.

EXCEPTION 1: A person who holds a current valid license issued by a political subdivision may perform work as an electrician or unclassified person within the corporate limits of the political subdivision which issued the license.

EXCEPTION 2: A person may work for up to 100 continuous days as an unclassified person prior to obtaining a license. Any documented time during which a person has worked as an unclassified person prior to January 1, 2008, or any time during which a person has worked as a licensed unclassified person shall be credited to any applicable experience requirement. Any time during which a person works as an unclassified person without a license on or after January 1, 2008, shall not be counted toward any such experience requirement, except that a person may receive credit for time worked as an unclassified person on or after January 1, 2008, without a license if the person has applied for a license.

EXCEPTION 3: Electrical installations in buildings, including residences or facilities which are being constructed as part of a course of instruction by an accredited educational institution, may be performed by a person who is not licensed. Such installations are subject to the requirements for permits and inspections pursuant to 661—Chapter 552.

EXCEPTION 4: A license is not required for a person who performs any electrical installation on a farm or a farm building if the farm building is not regularly open to the public as a place of business for the retail sale of goods, wares, services, or merchandise and if the person performing the installation is associated with the farm as a holder of a legal or equitable interest, a relative or employee of the holder, or an operator or manager of the farm. This exception does not apply to a residential installation located on a farm.

ITEM 2. Rescind the definition of “Commercial installation” in rule **661—551.2(103)**.

ITEM 3. Adopt the following **new** definition of “Commercial” in rule **661—551.2(103)**:

“*Commercial*” means a use, installation, structure, or premises associated with a place of business where goods, wares, services, or merchandise are stored or offered for sale on a wholesale or retail basis. “Commercial” includes a residence only if the residence is regularly open to the public as a place of business as provided in this definition. “Commercial” does not include any use, installation, structure, or premises associated with a farm or an industrial installation.

ITEM 4. Amend rule 661—552.1(103) as follows:

661—552.1(103) Required permits and inspections.

552.1(1) Permits and inspections are required for any of the following electrical installations that are initiated on or after February 1, 2009:

a. All new electrical installations for commercial or industrial applications, including installations both inside and outside buildings, and for public-use buildings and facilities and any installation at the request of the owner.

b. All new electrical installations for residential applications in excess of single-family residential applications.

c. All new electrical installations for single-family residential applications requiring new electrical service equipment.

d. Any existing electrical installation observed during inspection which constitutes an electrical hazard. Existing installations shall not be deemed to constitute electrical hazards if the wiring was originally installed in accordance with the electrical code in force at the time of installation and has been maintained in that condition.

e. Inspections of alarm system installations, rules for which are intended to be adopted as new 661—Chapter 560.

EXCEPTION 1: ~~[See Objection at end of chapter]~~ Installations in political subdivisions which perform electrical inspections and which are inspected by the political subdivision are not required to be inspected by the state electrical inspection program. Any installation which is subject to inspection and is on property owned by the state or an agency of the state shall be inspected by the state electrical inspection program. An electrical installation on a farm which is located outside the corporate limits of any municipal corporation (city) shall not be inspected by a political subdivision, ~~shall require a state electrical permit, and may be subject to a state electrical inspection, unless the installation is subject to Exception 2 or Exception 3.~~

EXCEPTION 2: Any electrical work which is limited to routine maintenance shall not require an inspection.

EXCEPTION 3: Neither a permit nor an inspection is required for an electrical installation which meets all of the following criteria:

1. The installation is legally performed by a master electrician, journeyman electrician, or apprentice electrician working under the direct supervision of a master or journeyman electrician.

2. The installation to be performed does not in any way involve work within an existing or new switchboard or panel board.

3. The installation to be performed does not involve over-current protection of more than 30 amperes.

4. The installation to be performed does not involve any electrical line-to-ground circuit of more than 277 volts, single phase.

EXCEPTION 4: Neither a permit nor an inspection is required for any electrical installation on a farm or a farm building if the farm building is not regularly open to the public as a place of business for the retail sale of goods, wares, services, or merchandise. This exception does not apply to a residential installation located on a farm.

552.1(2) The owner of a property on which multiple electrical installations may be performed during a 12-month period may apply for an annual permit to cover all such installations. The holder of an annual

permit shall maintain a log of all installations performed pursuant to the annual permit. The owner shall cause the electrical inspection program to be notified of any such installation requiring an inspection and shall be subject to fees for such inspections as though an individual permit had been issued for each installation requiring an inspection. The fee for an annual permit shall be \$100. The log shall be available to an electrical inspector on the request of the inspector.

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